

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION**

ISAIAH WHEELER,

Plaintiff,

vs.

TONY CORDOVA, BROADWATER  
COUNTY SHERIFF;

Defendant.

CV 21-00018-H-SEH

**ORDER**

Plaintiff Isaiah Wheeler, a state prisoner proceeding in forma pauperis, was directed to file a preliminary pretrial statement on or before February 18, 2022.<sup>1</sup> He failed to comply. An additional extension expired, without compliance, on March 4, 2022.<sup>2</sup> No preliminary pretrial statement has been filed.

Dismissal is warranted for failure to comply with a court order or “[i]f the plaintiff fails to prosecute the action.”<sup>3</sup> Here, both factors are satisfied, warranting dismissal.

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<sup>1</sup> See Doc. 18.

<sup>2</sup> Doc. 22.

<sup>3</sup> See Fed. R. Civ. P. 41(b); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 33 (1962); *see also Hells Canyon Preservation Council v. United States Forest Serv.*, 403 F. 3d 683, 689 (9th Cir. 2005); *see also Pagtalunan v. Galaza*, 291 F. 3d 639, 640 (9th Cir. 2002).;

**ORDERED:**

1. Wheeler's Complaint<sup>4</sup> is DISMISSED with prejudice. The Clerk of Court is directed to close this case and enter judgment of dismissal under Fed. R. Civ. P. 58.

2. The Clerk of Court is directed to have the docket reflect that the Court certifies under Fed. R. App. P. 24(a)(3) that any appeal of this decision would not be taken in good faith. The record makes plain that Wheeler has failed to prosecute this matter and comply with the Court's orders.

DATED this 11<sup>th</sup> day of April, 2022.

  
SAM E. HADDON  
United States District Judge

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<sup>4</sup> Doc. 2.